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September 16, 2014

**Via ECF**

Honorable John G. Koeltl  
United States District Court  
Daniel Patrick Moynihan United States Courthouse  
500 Pearl St.  
New York, NY 10007-1312

**Re: Schutte Bagclosures Inc. et al. v. Kwik Lok Corp., No. 12-cv-5541 (JGK)**

Dear Judge Koeltl:

We write in response to the September 12, 2014 letter submitted to the Court by Kwik Lok Corporation. Initially, and as stated in Schutte Inc.'s Motion for Summary Judgment, Schutte Inc. believes that there is no need for the Court to distinguish between any of the different bag closure products of either party for the purpose of resolving this case. The differences in shape between products are simply irrelevant given that no reasonable finder of fact could determine that any of the product shapes are used to identify the source of the products. Thus, the bag closure product designs simply cannot be protectable trade dress under the authority cited in Schutte Inc.'s motion papers, and, in any event, there is no likelihood of confusion.

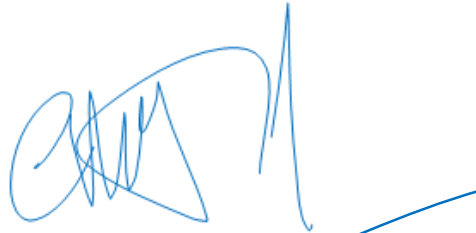
Nevertheless, if the Court would decide that a likelihood of confusion analysis would be required, and that narrowing the claims in litigation is appropriate, Schutte Inc. respectfully submits that Kwik Lok's letter fails to narrow its claims in any way. Indeed, Kwik Lok does not appear willing to drop any claim beyond claims that it already has sought summary judgment on in its motion.

Meanwhile, after lengthy discussions with our client, Schutte Inc. is willing to drop the following claims in an effort to streamline the proceedings for the purposes of the pending motions:

- In connection to all counts of the Second Amended Complaint, Schutte Inc. voluntarily withdraws any and all claims and requests in connection to the 545 Registration. The claims and requests in connection to the 804 Registration were already withdrawn per stipulation of the parties.
- In connection to all counts of the Second Amended Complaint, Schutte Inc. voluntarily limits all claims and request to CLIPPS products only, i.e. all products of Schutte Inc. with the same rounded corners and concave bottom (CLIPPS G, GL, B, BL and T).

We hope that this will help to narrow the issues. Should the Court wish to discuss these issues further, we are, of course, available for a conference in person or by phone.

Respectfully Submitted,



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Carl M.R. van der Zandt  
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cc: Brian McQuillen, Esq. (via e-mail), counsel for Defendant Kwik Lok Corporation